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13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA

16)	Case No. 3:11-cv-01665-JSW
17	E. I. DU PONT DE NEMOURS AND)	
18	COMPANY,)	<u>JOINT STATUS REPORT</u>
19)	AND ORDER CONTINUING STAY
20	Plaintiff,)	
21)	Judge: Hon. Jeffrey S. White
22	v.)	
23	USA PERFORMANCE TECHNOLOGY,)	
24	INC., PERFORMANCE GROUP (USA),)	
25	INC., WALTER LIEW, and JOHN LIU,)	
26)	
27	Defendants.)	
28)	

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1 Pursuant to the Court's July 22, 2011, Minute Order, Plaintiff E.I. Du Pont De Nemours
 2 and Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc.
 3 (collectively "USAPT") submit this Joint Status Report. The parties request that the stay remain
 4 in place for an additional 60 days.

5 On August 23, 2011, the United States filed *United States v. Walter Liew and Christina*
 6 *Liew*, No. CR-11-0573-RS.

7 **DuPont's Position:** The indictment alleges that defendant Walter Liew and his wife,
 8 Christina Liew, tampered with a witness in this action by, among other things, telling the witness
 9 not to reveal his knowledge of certain employees of defendant USAPTI because it would not be
 10 good for the witness or his family, and instructing the witness to lie about his knowledge of
 11 certain individuals relevant to the trade secret case, in violation of 18 U.S.C. § 1512. The
 12 indictment also alleges that Walter Liew and Christina Liew engaged in misleading conduct
 13 towards agents of the Federal Bureau of Investigation and made false statements during the
 14 execution of a search warrant by intentionally lying to the agents concerning the whereabouts of a
 15 safe deposit box that contained evidence relevant to the FBI's investigation, in violation of 18
 16 U.S.C. §§ 1001 and 1512. (Docket # 41 at 2.)

17 **USAPT's Position:** Defendants believe that the August 23 Complaint speaks for itself,
 18 and no further explanation or commentary is appropriate or needed.

19 On September 7, 2011, this Court issued an Order relating the criminal proceeding with
 20 this action, pursuant to its determination that this action and the criminal proceeding are related
 21 within the meaning of Crim. L.R. 8-1(b). (Docket # 42.)¹

22 Walter Liew remains in custody. The United States has informed the Court that it plans
 23 to file a superseding indictment in early November relating to the misappropriation of DuPont's
 24 trade secrets. The undersigned counsel agree that the stay remain in place for an additional 60
 25 days, at which time the parties can update the Court.

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27 ¹ On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to
 28 Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants in
 this action are Walter Liew and his company, USA Performance Technology Inc.

1 Dated: September 23, 2011

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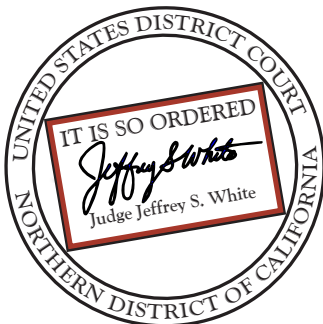
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10 Dated: September 23, 2011

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24 Dated: September 29, 2011